IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.20182 OF 2005

Between:

Sri Anam Subbarao

..... PETITIONER

AND

Sri K.Keshava Rao, President,

State Congress Party,

Anmdhra Pradesh,

Gandhi Bhavan, Hyderabad, and others

.....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.20182 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

This is a taken up writ petition on the basis of a Fax Message dated 03.09.2005 sent by the petitioner, whose identity is not clearly disclosed. The fax message in turn is based upon a news item published in 'Vaartha' Telugu Daily dated 29.08.2005, wherein Mr.K.Keshava Rao, President of Andhra Pradesh State Congress Committee, Hyderabad, made certain remarks in a seminar held by the 'Andhra Pradesh Girijan Sangam and Kulavivaksha Vathireka Porata Sangam' on the recent Judgment of the Supreme Court reported in **P.A.INAMDAR V/s. STATE OF MAHARASHTRA**, published in the news paper. In the said seminar, Mr.K.Keshava Rao referring to an earlier incident reported to have been occurred in the Supreme Court, made certain comments regarding the judiciary, the details of which may not be necessary.

Assuming for the sake of arguments that the comments reported to have been made by Mr.K.Keshava Rao are true, in our view, it is a part of the freedom of speech guaranteed under the Constitution to each citizen of the country.

The tenor of the fax message basing upon which the present writ petition is taken up, suggests that the comments alleged to have been made by Mr.K.Keshava Rao constitute contempt of Court. In our opinion, it is doubtful whether such comments would amount to contempt of court. Assuming that such a comment amounts to contempt of Court, the Majesty of this Court, as pointed out from time to time by the various Courts including the Supreme Court must rest on surer foundations – the confidence of the society, but not on the exercise of the contempt jurisdiction.

We also informed by the learned Government Pleader that a similar application was filed before the Supreme Court and the Supreme Court declined to take cognizance of the matter.

Before parting with the case, we are only tempted to quote an incident from history. When Oliver Cromwell became the Lord Protector of England, a book called ***Oceana*** was published, which contained certain allegations tantamounting to libel against Cromwell. Cromwell is reported to have made a historic statement, "……If my Government is made to stand, it has nothing to fear from PAPER SHOT." We are of the opinion that the same should be the attitude of any public institution or the occupant of the public office and Courts are no exception to it.

> "In a free nation it matters not whether individuals reason well or ill; it is sufficient that they do reason. Truth arises from the collision, and from hence springs liberty, which is a security from the effect of reasoning."
>
> … ***Montesquieu***

We therefore close the writ petition.

JUSTICE J.CHELAMESWAR

JUSTICE M.VENKATESWARA REDDY

21st SEPTEMBER, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND

THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.20182 OF 2005

(Per Sri Justice J.Chelameswar)

21st SEPTEMBER, 2005